

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

ALONZO JOHNSON,	:	Case No. 1:19-cv-393
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	Magistrate Judge Stephanie K. Bowman
vs.	:	
	:	
STATE OF OHIO, <i>et al.</i> ,	:	
	:	
Defendants.	:	

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 2)**

This case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge Stephanie K. Bowman. Pursuant to such reference, on May 31, 2019, the Magistrate Judge entered a Report and Recommendation. (Doc. 2). Plaintiff filed objections on June 13, 2019. (Doc. 4).

The Report and Recommendation recommends denying Plaintiff's motion for leave to proceed *in forma pauperis* (Doc. 1), because Plaintiff has filed three prior civil actions that were each dismissed for failure to state a claim upon which relief may be granted. (Doc. 2) (including case citations to prior actions). Section 804(d) of the Prison Litigation Report Act (PLRA) prohibits a prisoner from proceeding *in forma pauperis* if he has filed three or more actions that were dismissed for failure to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury. 18 U.S.C. § 1915(g). Plaintiff does not assert in his motion to proceed *in forma pauperis* or in his objections that he is facing imminent danger of serious physical

injury. In addition, Plaintiff's objections do not challenge the Magistrate Judge's finding that Plaintiff filed three previous actions, all of which were dismissed for failure to state a claim.

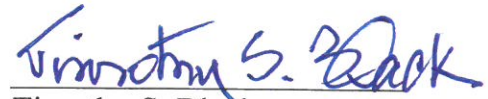
The Court has reviewed the comprehensive findings of the Magistrate Judge pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b) and has considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that the Report and Recommendation (Doc. 2) should be and is hereby **ADOPTED** in its entirety.

Accordingly, for the reasons stated above:

- 1) Plaintiff's motion to proceed *in forma pauperis* (Docs. 1, 3) is **DENIED**;
- 2) Plaintiff shall pay the full \$400 fee (\$350 filing fee plus \$50 administrative fee) required to commence this action within thirty (30) days. Failure to pay the full \$400 fee within thirty days will result in the dismissal of this action;
- 3) The Court certifies that pursuant to 28 U.S.C. § 1915(a)(3), an appeal of this Order would not be taken in good faith.

IT IS SO ORDERED.

Date: 12/3/19


Timothy S. Black
United States District Judge